

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Plaintiff,

Crim. No. 08-364 (RHK/AJB)

ORDER

v.

Thomas Joseph Petters (1),

Defendant.

This matter is before the Court on the Government's Motion (Doc. No. 194) to Strike Defendant's Reply Memorandum in support of his Objection to Magistrate Judge Boylan's April 28, 2009 Report and Recommendation. The Government argues that the Reply Memorandum violates the Court's Local Rules in several ways, including exceeding the 3,500-word limit for objections to reports and recommendations. See D. Minn. LR 72.2(a).

The Government's Motion is well taken. Defendant's Reply Memorandum clearly flouts several Local Rules, including the aforementioned word limitation. Defendant could have sought relief from those rules in advance of filing his Reply Memorandum, but did not do so. The Court does not condone such conduct and will not countenance it again in the future. Simply put, the Court expects all parties to adhere to the Local Rules, and further failures to do so may be met with sanctions.

Nevertheless, out of an abundance of caution to the rights of the Defendant in this complex criminal matter, the Court determines that striking the Reply Memorandum is unwarranted.

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS ORDERED** that the Government's Motion to Strike Defendant's Reply Memorandum (Doc. No. 194) is **DENIED**.

Dated: June 1, 2009

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge